IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WA.No. 388 of 2007()

AGAINST THE JUDGEMENT IN WPC.14283/2006
.....

APPELLANT:

ALEYAMMA SEBASTIAN,
(RETIRED HEADMISTRESS,
THARAKKAL AUPS, THUVVUR),
'KRIPA', THUVVUR P.O.,
MALAPPURAM DISTRICT.

BY ADV. SMT.P.V.ASHA

RESPONDENTS:
---

1. THE ASSISTANT EDUCATION OFFICER,
WANDOOR,
MALAPPURAM DISTRICT.

2. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM.

BY G.P. SRI.SANDESH RAJA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A.ABDUL GAFOOR & ANTONY DOMINIC, JJ.

W.A.NO.388 OF 2007

Dated this the 15 th day of February, 2007.

J U D G M E N T

Abdul Gafoor, J.

It is true that in Ext.P1 judgment the appellant/writ petitioner was found to be entitled for the post of Headmistress with retrospective effect from 1.4.1988 with consequential benefits of Salary and other benefits. All except the leave surrender allowances at the time of retirement were granted. Leave surrender is applicable only to those who are entitled to earned leave, up to a maximum of 300 days. She had 156 days of earned leave to her credit. It is submitted that she earned leave only to that extent, while she was in actual and physical functioning as a Head Mistress. During the other period, during which she had been retrospectively given the benefits, she was only working as an Assistant Teacher. She availed vacation. As per the rules teachers who availed vacation, will not be entitled to earned leave. That she is entitled to get benefits with

retrospective effect will not enable her to get earned leave credited for a period during which she had admittedly enjoyed vacation. If allowed, it will be a double benefit. So we find no reason for interference.

Writ Appeal is dismissed.

K.A.ABDUL GAFOOR
JUDGE.

ANTONY DOMINIC
JUDGE.

bkn